

Appl. No. : 10/762,843
Filed : January 21, 2004

IN THE CLAIMS:

1. - 9. (Cancelled)

10. (Currently Amended)

A writing implement comprising an elongate, generally cylindrical housing having a first end and a second end, ~~said housing defining an interior area~~, said housing comprising a substantially translucent material, said second end of said housing and said interior closed, said implement including a tip configured to dispense writing material stored in a well, said well containing writing material extending from said tip into ~~said interior area of said housing~~, an interior of said housing and an exterior of said well defining an otherwise open interior area which is visible through said housing, said implement further including a plurality of solid ornamental elements substantially filling said interior area between said first end and second end of said housing and bounded by said ~~between an~~ exterior of said well and said ~~an~~ interior of said housing, whereby substantially only said solid ornamental elements are visible through said housing, said solid ornamental elements generally obscuring ~~obscure~~ said well within said housing.

11. (Previously Presented)

The writing implement in accordance with Claim 10 wherein said ornamental elements comprise balls having a diameter in the range of about .03125 - .125 inches.

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12. (Previously Presented)

The writing implement in accordance with Claim 10 wherein said writing material comprises ink.

13. (Currently Amended)

The writing implement in accordance with Claim 10 wherein said ornamental elements have a size which is a fraction of a distance between said interior of said housing and said exterior of said well, and a sufficient number of so that a plurality of said ornamental elements are positioned within said interior area that in one or more locations two or more layers of said ornamental elements are positioned ~~may be layered~~ between said interior of said housing and said exterior of said well.

14. (Previously Presented)

The writing implement in accordance with Claim 13 wherein said ornamental elements have a size in relation to said distance between said interior of said housing and said exterior of said well that at least three ornamented elements fit within said distance.

15. (Currently Amended)

The writing implement in accordance with Claim 10 wherein said ornamental elements ~~ornaments~~ are contained within, but not connected to, said housing, whereby a position of said ornamental elements may change relative to said housing.

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16. (Currently Amended)

The writing implement in accordance with Claim 15 wherein said ornamental elements may ~~change positions relative to one another~~ ~~move relative to one another~~ and said housing in response to movement of said housing.

17. (Currently Amended)

The writing implement in accordance with Claim 10 wherein said tip extends from said first end of said housing and closes said housing at said first end, whereby said opening interior is defined solely by said housing and wherein said ornamental elements are located in said interior space between said tip and said second end of said housing.

18. (Previously Presented)

The writing implement in accordance with Claim 10 wherein said housing comprises a single wall having an exterior and an interior and said interior space is defined by said wall.